



SUMMARY MINUTES

CITY OF SCOTTSDALE PERSONNEL BOARD MEETING

8:30AM., Tuesday, April 12, 2016
NCY – Wrangler Room
9191 E. San Salvador Drive
Scottsdale, Arizona 85258

PRESENT

Board Members: Steven Guttell (Chair)
Jeffrey Skoglund (Vice Chair)
Janis Bladine, Board Legal Counsel

Respondent: David Petty, Water Resources Acting Director
William Hylen, Respondent Counsel

Appellant: Patrick Jenkins

Respondent Witnesses: David Petty
Francis Soules
Jeff Fritsch
Ken Rock
Lonna Minardi
Donna Brown

Appellant Witnesses: Patrick Jenkins

Staff: Donna Brown, Human Resources Director
Lorelei Oien, Board Secretary
Raudel Castanon, HR Systems Integrator

CALL TO ORDER

Chair Guttell called the Personnel Board Hearing meeting to order at 8:30 a.m. Roll call confirmed the presence of Board members as noted.



Persons with a disability may request a reasonable accommodation by contacting Lorelei Oien at (480) 312-2777. Requests should be made 24 hours in advance or as early as possible to allow time to arrange the accommodation. For TTY users, the Arizona Relay Service (1-800-367-8939) may contact Lorelei Oien at (480) 312-2777.

1. HEARING ON APPEAL OF TERMINATION OF PATRICK JENKINS

The hearing convened with introductions of the Board, Appellant Party and Respondent Party, followed by Chair Guttell's statement of the authority of the Board and the rules of order that were to apply during the hearing.

Chair Guttell called for the witnesses, asked each one to stand, raise their right hands, and administered the oath.

Neither party requested exclusion of any witnesses from hearing the testimony of the other witnesses.

Chair Guttell asked Donna Brown, Human Resources Director, to enter into the record the case to be heard by the Board.

Chair Guttell asked each Party to make a brief opening statement of not more than ten minutes; Mr. Jenkins, Appellant, had no opening statement; Mr. Petty, Respondent, followed with his opening statement, evidence and testimony.

Chair Guttell received the Respondent's Exhibits A through Y into evidence.

At 9:13 am, Chair Guttell called for a 10 minute break; the hearing was reconvened at 9:22 a.m. with the continuation of respondent witness testimony, cross examination and questions by the board members.

Mr. Jenkins provided his testimony, which was followed by cross examination from the Respondent, and board member questions for the respondent and appellant.

Chair Guttell called for a break at 10:28 a.m.; the hearing was reconvened at 10:42 a.m.

Chair Guttell called for summations and explained that each Party would have up to 10 minutes each to present a summation of their positions, beginning with the Respondent. Upon the conclusion of Mr. Petty's summation, Mr. Jenkins presented his summation.

2. MOTION TO RECESS INTO EXECUTIVE SESSION

The Board recessed into Executive Session from 10:55 a.m. to 11:07 a.m.

3. DISCUSSION OF EVIDENCE AND DELIBERATION BY BOARD

The Board discussed the findings of fact, their conclusions, and recommendation to the City Manager.

4. ADOPTION OF FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATION TO CITY MANAGER

Chair Guttell moved to approve the Board's Findings of Fact that:

- (1) Mr. Jenkins entered a gated community on July 23, 2015, through the exit damaging the gate and operator box;



Persons with a disability may request a reasonable accommodation by contacting Lorelei Oien at (480) 312-2777. Requests should be made 24 hours in advance or as early as possible to allow time to arrange the accommodation. For TTY users, the Arizona Relay Service (1-800-367-8939) may contact Lorelei Oien at (480) 312-2777.

- (2) Mr. Jenkins did not report the July 23, 2015, incident to his supervisor;
- (3) Mr. Jenkins repeatedly denied that he had any contact with the gate on July 23, 2015, in subsequent conversations and investigation;
- (4) The manner and direction that Mr. Jenkins entered the Grayhawk community subdivision on September 29, 2016, was negligent, causing damage to the guard shack and his vehicle; and
- (5) Mr. Jenkins was not wholly truthful and candid in reporting the September 29, 2015, incident to his supervisor.

Additionally, the Board found that Mr. Jenkins violated the following policies:

Scottsdale Revised Code (SRC) 14-72 (2):

The employee is unsafe to himself or herself, other employees, or the public in the performance of duties and responsibilities.

SRC 14-72 (8):

There are reasonable grounds to believe that the employee has knowingly made a false statement, or falsified any document, report or statement relating to their employment with the city or any administrative investigation.

SRC 14-72 (10):

The employee, through negligence or willful misconduct, has caused damage to public property or waste of public supplies.

SRC 14-72 (18):

The employee has violated safety rules or practices, which have exposed other employees, residents or other third parties to the risk of sustained.

SRC 14-72 (19):

The employee has concealed information, or failed to properly report an accident or incident when required to do so by any state or federal law, rule or regulation, or any city ordinance, rule or administrative regulation.

SRC 14-72 (35):

The employee has knowingly and intentionally engaged in behavior which violates the city's stated values.

Administrative Regulation AR 320 Ethical Standards, Section 3.3.1:

Maintain the highest standards of personal integrity, truthfulness and fairness.



Persons with a disability may request a reasonable accommodation by contacting Lorelei Oien at (480) 312-2777. Requests should be made 24 hours in advance or as early as possible to allow time to arrange the accommodation. For TTY users, the Arizona Relay Service (1-800-367-8939) may contact Lorelei Oien at (480) 312-2777.

Chair Guttell moved that the Board adopt the findings of fact, uphold the citation of 14-72 Subsections (2), (8), (10), (18), (19), and (35) and AR320 – Ethical Standards, Section 3.3.1 and the recommendation of termination by the City of Scottsdale, seconded by Vice-Chair Skoglund. Motion approved with a vote of two (2) to zero (0).

5. APPROVAL OF MINUTES OF PUBLIC MEETING CONDUCTED ON MARCH 31, 2016,

Approved: 2-0; motion by Vice Chair Skoglund; 2nd by Chair Guttell.

8. FUTURE AGENDA ITEMS*

There was no discussion of future agenda items.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 11:28 a.m.

Respectfully submitted,

Lorelei Oien

Human Resources Management Analyst



Persons with a disability may request a reasonable accommodation by contacting Lorelei Oien at (480) 312-2777. Requests should be made 24 hours in advance or as early as possible to allow time to arrange the accommodation. For TTY users, the Arizona Relay Service (1-800-367-8939) may contact Lorelei Oien at (480) 312-2777.